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June 14 2010

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0029

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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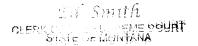
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NIN 1 4 7010



PEGGY L. STEVENS,

Plaintiff/Appellee,

-VS-

NOVARTIS PHARMACEUTICALS CORPORATION,

Defendant/Appellant.

NPC'S MOTION TO FILE CORRECTED BRIEF

Appellant Novartis Pharmaceuticals Corporation ("NPC") respectfully requests that the Court allow it to file a corrected opening brief and appendix with corrected citations to the official appeal transcript. In its

NPC'S MOTION TO FILE CORRECTED BRIEF

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opening brief, NPC inadvertently cited to the final district court trial transcript and hearing transcripts, rather than to the official appeal transcript, which is identical except for its pagination.

The only changes in NPC's corrected brief and appendix are the page and line numbers of transcript citations. All citations are identical, word for word, as between the citations to the final district court trial and hearing transcripts and the official appeal transcript. No substantive changes were made. A redlined version of the proposed corrected brief, demonstrating that the only changes are to page-and-line citations to trial and hearing transcripts, is attached as Att. A. A conversion table matching the transcript references made in the original opening brief to those in the corrected opening brief is attached as Att. B.

The brief and appendix with the corrected citations to the official appeal transcript will enable the Court to find NPC's references in the official appeal transcript and contain no substantive changes whatsoever. NPC is not seeking an extension of any deadline.

Counsel for Peggy Stevens objects to this motion.

DATED this 11<sup>th</sup> day of June, 2010.

Joe G. Hollingsworth, Esq. Katharine R. Latimer, Esq. HOLLINGSWORTH LLP 1350 I St NW Washington DC 20005

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By: W. Carl Mendenhall

## **CERTIFICATE OF SERVICE**

I certify that on June 11th, 2010, I served a copy of the preceding

document on the following:

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